

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN FEDERATION OF MUSICIANS
AND EMPLOYERS' PENSION FUND et alio.,

08 CV 01824 (WHP)

Plaintiffs,

**SUPPLEMENTAL AFFIDAVIT
IN SUPPORT OF
APPLICATION FOR
DEFAULT JUDGMENT
AGAINST DEFENDANT**

v.

NEGINAH ORCHESTRAS, INC.

Defendant.

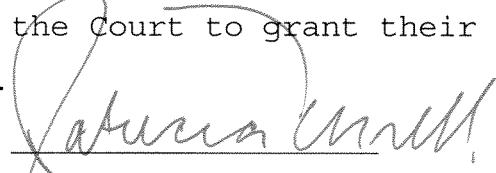
State of New York)
)ss.:
County of New York)

Patricia McConnell, being duly sworn, deposes and says:

1. I am a director of Meyer, Suozzi, English and Klein, P.C., attorneys for plaintiffs herein. I make this supplemental affidavit in further support of plaintiffs' application for a default judgment. The purpose of this affidavit is to confirm that the court has personal jurisdiction over defendants.

2. As stated in the annexed affidavit of process server Jay Mitchell (Exhibit "A" hereto), on March 13, 2008 at 10:56 a.m., copies of the summons and complaint were personally served upon Rachel "Smith" at defendant's address. Mr. Mitchell's affidavit was filed with the Clerk on March 27, 2008 as document number 5 of the docket.

WHEREFORE, plaintiffs request the Court to grant their application for a default judgment.



Patricia McConnell

Sworn to before me this
16th day of July 2008

Karen Kolessar
Notary

KAREN KOLESSAR
Notary Public, State of New York
No. 01KO6160922
Qualified in Richmond County
Commission Expires Feb. 12, 2011

AMERICAN FEDERATION OF MUSICIANS AND EMPLOYERS' PENSION FUND, ETANO

- against -

NEGINAH ORCHESTRAS, INC.

Plaintiff(s)

Index # 08 CV 01824 (PAULEY)

Purchased February 22, 2008

Defendant(s)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

JAY MITCHELL BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on March 13, 2008 at 10:56 AM at

1537 50TH STREET
PRIVATE HOUSE
BROOKLYN, NY11219

deponent served the within SUMMONS AND COMPLAINT, INDIVIDUAL PRACTICES OF JUDGE WILLIAM H. PAULEY III, INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE RONALD L. ELL on NEGINAH ORCHESTRAS, INC. therein named,

CORPORATION a DOMESTIC corporation by delivering thereat a true copy of each to RACHEL "SMITH" personally, deponent knew said corporation so served to be the corporation described in said SUMMONS AND COMPLAINT, INDIVIDUAL PRACTICES OF JUDGE WILLIAM H. PAULEY III, INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE RONALD L. ELL as said Defendant and knew said individual to be the GENERAL AGENT thereof.

Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx.)
<u>FEMALE</u>	<u>WHITE</u>	<u>BROWN</u>	<u>48</u>	<u>5'5</u>	<u>140</u>

PERSON SPOKEN TO REFUSED TO STATE TRUE FIRST AND/OR LAST NAMES

That at the time of such service deponent knew the person so served as aforesaid to be the same person mentioned and described as the Defendant in this action.

Sworn to me on: March 14, 2008

JOEL GRABER
Notary Public, State of New York
No. 02GR4699723
Qualified in New York County
Expires February 10, 2010

JOSEPH KNIGHT
Notary Public, State of New York
No. 01KN6178241
Qualified in New York County
Expires November 26, 2011

JONATHAN GRABER
Notary Public, State of New York
No. 01GR6156780
Qualified in New York County
Expires December 4, 2010

JAY MITCHELL
License #: 1097069
Invoice #: 457606